# Department of Planning and Zoning

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David White, AICP, Director Ken Lerner, Assistant Director Sandrine Thibault, AICP, Comprehensive Planner Jay Appleton, GIS Manager Scott Gustin, AICP, Senior Planner Mary O'Neil, AICP, Senior Planner Nic Anderson, Zoning Clerk Elsie Tillotson, Department Secretary



TO:

Development Review Board

FROM:

Scott Gustin (1)

DATE:

November 5, 2013

RE:

14-0427CA; 194 St. Paul Street 14-0428CA; 1 Browns Court

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: DT

Ward: 6

Owner/Representative: City of Burlington & Champlain College

Request: Demolish existing Eagles Club building and excavate site. Phase 1 of a 2 phase redevelopment project. No new development included in Phase 1.

# **Applicable Regulations:**

Article 5 (Citywide General Regulations)

## **Background Information:**

The applicant is requesting approval to demolish the existing Eagles Club building, remove existing surface parking associated with the Club and along Browns Court, and excavate the entire site in preparation of a subsequent redevelopment project. This work is Phase 1 of a 2 phase project that is proposed to include redevelopment in the form of a mixed use apartment/commercial/parking garage building. Construction timelines have prompted the applicant to split the project into two phases. Only demolition and excavation is included in Phase 1. The applicant anticipates filing a zoning permit application for Phase 2 in November 2013.

Previous zoning actions for this property are listed below.

- 1/9/09, Approval to change use to temporary boarding house
- 7/27/06, Approval to install freestanding sign
- 11/9/99, Approval to install parallel sign
- 8/27/97, Approval to install replacement 2<sup>nd</sup> floor windows
- 1/28/93, Approval to install a telecommunications cabinet

Recommendation: Consent approval as per, and subject to, the following findings and conditions.

### I. Findings

Article 5: Citywide General Regulations

### Sec. 5.2.3, Lot Coverage Requirements

Lot coverage will effectively drop to zero as a result of the proposed demolition and excavation. (Affirmative finding)

#### Sec. 5.2.4, Buildable Area Calculation

This criterion does not apply to properties in the DT zone.

### Sec. 5.2.5, Setbacks

Not applicable.

# Sec. 5.2.6, Building Height Limits

Not applicable.

# Sec. 5.2.7, Density and Intensity of Development Calculations

Not applicable.

# Sec. 5.5.1, Nuisance Regulations

Nothing in the proposed demolition and excavation appears to constitute a nuisance under this criterion. (Affirmative Finding)

### Sec. 5.5.2, Outdoor Lighting

Not applicable.

#### Sec. 5.5.3, Stormwater and Erosion Control

The earthwork associated with this proposal is extensive, and a comprehensive erosion prevention and sediment control plan has been submitted as required. The excavation site will be enclosed with construction fencing and sheeting, and excavation will be limited to ½ acre at any given time. A temporary sediment basin is proposed to capture stormwater onsite, and a stabilized construction entrance is proposed to minimize dirt tracking onto city streets. Performance measures for stabilizing disturbed areas and for cleaning offsite tracking are provided. This erosion control and sediment control plan has been submitted to the Stormwater Administrator and is pending review and approval. (Affirmative finding as conditioned)

#### II. Conditions of Approval

- 1. **Prior to release of the zoning permit**, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator.
- 2. A complete zoning permit application for Phase 2 of this redevelopment project shall be filed with the Department of Planning & Zoning by December 2, 2013. Otherwise, the site shall be fully stabilized for conversion to green space as per the site stabilization standards of Chapter 26, subject to review and approval by the Stormwater Administrator.
- 3. Approval of this permit is for demolition and site excavation only. It shall in no manner whatsoever imply approval of any future development or of any right to develop on the premises.
- 4. Standard permit conditions 1-15.





# DEPARTMENT OF PLANNING & ZONING

163 South Willard Street P.O. Box 670 Burlington, VT 05402-0670 (802) 860-2700 | (800) 570-5858 fax (802) 860-2767 www.champlain.edu

3 October 2013

Mr. David White, Director
Mr. Scott Gustin, Senior Planner
City of Burlington
Department of Planning and Zoning
City Hall – 14 Church Street
Burlington, Vermont 05401

RE:

Zoning Permit Application for Building Demolition and site Excavation

194 St. Paul Street and 0 Brown's Court

#### Gentlemen:

As per our recent discussions, please accept this correspondence and supporting documents for a zoning permit application for demolition and site excavation at the above-referenced properties.

- 1. Completed application form
- 2. \$610 Application Fee (\$110 + \$500)
- 3. Supporting Information including:
  - a. Existing Conditions Plan and Erosion Prevention and Sediment Control Plan-Phase 1 prepared by Lamoureux and Dickenson Consulting Engineers

As we have discussed, the building demolition and site excavation contemplated by this permit application represent Phase 1 of a proposed plan to redevelop the site into a mixed use student apartment project sponsored by Champlain College. Architectural and site plans of the proposed building and site improvements (Phase 2 of the project) are currently underway and should be ready for submission in early November. Given our timeline, however, it is critical the work contemplated by the Phase 1 permit application commence as soon as possible. Hence our decision to separate the project development review into two distinct permit applications.

The College understands the limits of this permit application and accepts the risk that approval of Phase 1 is not a guarantee of a subsequent approval of the student apartment project. Indeed, to the extent the sale of the Brown's Court parcel from the City to the College is conditioned on the College's agreement to redevelop the Site for student apartments, we can assure you we are motivated to make application for Phase 2 and proceed through the development review process as quickly as possible. We feel the purchase price associated with the transaction should provide the City with adequate assurance that we will honor our commitment. However we can discuss providing the City with additional surety, if required.

Thank you for your ongoing assistance as we commence this exciting Project. If additional information is required, pleas@advise.

Sincerely,

John Caulo

Associate Vice President - Campus Planning and Auxiliary Services



